

### REMARKS

The Office Action of March 24, 2009, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

The Office Action of March 24, 2009, presented a restriction requirement, requiring election between one of the following two groups under 35 U.S.C. 121:

Group I, Claims 1-5, 7-14, and 27-33, drawn to a system and a method including a home agent and a proxy home agent; and

Group II, Claims 15-17, 20, 22-26, 34-38, drawn to a system and a method of monitoring and securing network communications.

Applicants respectfully elect, with **traverse**, to prosecute the subject matter of Group II, recited in claims 15-17, 20, 22-26, 34-38. Applicants thus respectfully request timely consideration on the merits.

Applicants also respectfully request reconsideration of the restriction requirement. Applicants respectfully submit that the restriction requirement is improper because the inventions, as claimed, are not distinct. As stated in the Office Action, Group I and Group II are related as subcombinations disclosed as usable together in a single combination. Two more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable, when the subcombinations do not overlap in scope and are not obvious variants (*see* MPEP 806.05(d)). Each subcombination is distinct from the combination as claimed if:

(A) the combination does not require the particulars of the subcombination as claimed for patentability (e.g., to show novelty and obviousness); and

(B) the subcombination can be shown to have utility either by itself or in another materially different combination (*see id.*).

In addition, the restriction requirement must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination (*see id.*). Applicants respectfully submit that the above requirements are not met by the Office Action, and therefore, the inventions of Group I and Group II are not distinct.

Group I may be summarized, for example, by independent claim 27, which is directed to an apparatus including a processor configured to create only one security association with a mobile node associated with a home network in a secure network and only one mobility binding with the mobile node. The apparatus also includes a transmitter configured to notify a proxy home agent located within the secure network of the mobile node. The processor is configured to tunnel virtual protocol network packaged data to a current address of the mobile node.

Group II may be summarized, for example, by independent claim 34, which is directed to an apparatus including a receiver configured to receive collected data from a proxy home agent. The apparatus also includes a processor configured to encrypt the collected data. The processor is configured to package the encrypted data in a virtual private network secure tunnel to a permanent address, located in a secure network, of a

mobile node to create virtual protocol network packaged data that is tunneled to a current address of the mobile node.

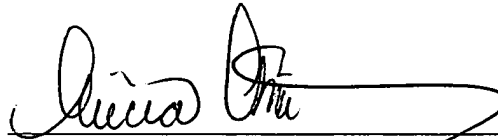
Applicants respectfully submit that the above inventions are not distinct for, at least, two reasons. One, the subcombinations of Groups I and II do not have utility by themselves or in another materially different combination. For example, the apparatus of Group I cannot tunnel virtual protocol network packaged data to a current address unless the apparatus of Group II creates the virtual protocol network packaged data by packaging data in a virtual private network secure tunnel. The apparatus of Group II has utility since the apparatus of Group I tunnels the data created by the apparatus of Group II to the current address. In other words, the two subcombinations are not separately useable and overlap in scope, making the Restriction Requirement deficient under MPEP 806.05(d). Two, the restriction requirement fails to show, by way of example, that one of the subcombinations has utility other than in the disclosed combination, as required under MPEP 806.05(d).

For at least these reasons, Applicants respectfully submit that the inventions of Group I and Group II are not patentably distinct, and that the restriction requirement is, thus, not proper. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

Applicants reserve the right to file divisional application(s) on the non-elected subject matter at any point prior to the termination of the proceedings in the subject application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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